

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

EMPLOYERS AND OPERATING ENGINEERS)
LOCAL 520 PENSION FUND, an employee)
benefit plan, and RONALD KAEMPFE, EUGENE)
KEELEY, PETE KORTE, RONALD JOHNSON,)
MICHAEL PARKINSON, and ROBERT K.)
GERMANN, in their representative capacities as)
Trustees of the Employers and Operating Engineers)
Local 520 Pension Fund, and EMPLOYERS AND)
OPERATING ENGINEERS LOCAL 520)
HEALTH AND WELFARE FUND, and)
RONALD KAEMPFE, EUGENE KEELEY,)
RONALD JOHNSON, PETE KORTE,)
MICHAEL PARKINSON, and ROBERT K.)
GERMANN, in their representative)
capacities as Trustees of the Employers and)
Operating Engineers Local 520 Health and)
Welfare Fund, and OPERATING ENGINEERS)
LOCAL 520 JOINT APPRENTICESHIP AND)
TRAINING FUND, and EUGENE KEELEY,)
WDSMICHAEL LUHR, MICHAEL)
PARKINSON, RONALD JOHNSON,)
MARK JOHNSON, and GARY THIEMS,)
in their representative capacities)
as Trustees of the Operating Engineers Local 520)
Joint Apprenticeship and Training Fund, and)
EMPLOYERS AND OPERATING ENGINEERS)
LOCAL 520 VACATION FUND, and CHARLES)
MAHONEY, TIM KEELEY, RONALD)
JOHNSON, DAVID BAXMEYER, TERRY)
MACZURA and MARK JOHNSON, in their)
representative capacities as Trustees of the)
Employers and Operating Engineers Local 520)
Vacation Fund, and OPERATING ENGINEERS)
LOCAL 520 ANNUITY TRUST FUND, and)
RONALD JOHNSON, HENRY ROHWEDDER,)
MICHAEL PARKINSON, KENNETH J. KILIAN,)
KEN TOENNIES, and RONALD KAEMPFE, in)
their representative capacities as Trustees of the)
Operating Engineers Local 520 Annuity Trust Fund)
)
Plaintiffs,)

No. 3:13-CV-00314-WDS

v.)
)
A&A HAULING, INC., an Illinois Corporation,)
)
Defendant.)

MEMORANDUM & ORDER

STIEHL, District Judge:

Before the Court is plaintiffs' motion for summary judgment to which defendant has not filed a response (Doc. 12). Plaintiffs seek summary judgment in the amount of \$44,522.38, consisting of \$27,863.81 in contributions and union dues which are unpaid for the month of July, 2013, and \$16,658.57 in liquidated damages on the unpaid July contributions and on defendant's late-paid reports for December, 2012 through July, 2013. The plaintiffs have accompanied their motion with, inter alia: the affidavit of David Glastetter, Administrative Manager of the Employers and Operating Engineers Local 520 Health & Welfare, Pension, Vacation and Annuity Funds and exhibits in support of the affidavit.

Upon review of the record, the Court **FINDS** that the defendant is subject to a collective bargaining agreement with Operating Engineers Local 520 which requires defendant to pay fringe benefit contributions for each hour of covered work, submit monthly report forms, and further requires the payment of 10% liquidated damages on delinquent contributions, costs and attorneys' fees.

Accordingly, the Court **GRANTS** plaintiffs' motion for summary judgment and judgment is **ENTERED** in favor of the plaintiffs and against the defendant in the amount of \$44,522.38, consisting of \$27,863.81 in contributions and union dues which are unpaid, and \$16,658.57 in liquidated damages plus reasonable attorneys' fees and costs. Plaintiffs shall submit their request for attorneys' fees and costs on or before December 27, 2013. Objections, if

any shall be filed on or before January 10, 2014. The Clerk of the Court shall enter judgment accordingly.

IT IS SO ORDERED.

DATED: 06 December, 2013

/s/ WILLIAM D. STIEHL
DISTRICT JUDGE